

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENYON DERRAL BROWN,

Plaintiff,

v.

NORTH KERN STATE PRISON, et al.,

Defendants.

Case No. 1:20-cv-01396-SKO (PC)

**ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO SUBMIT APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

21-DAY DEADLINE

On October 2, 2020, the Court ordered Plaintiff, within 45 days, to submit an application to proceed *in forma pauperis* (IFP) or pay the \$400 filing fee for this action. (Doc. 3.) Although more than the allowed time has passed, Plaintiff has not filed an IFP application, paid the filing fee, or otherwise responded to the Court's order.

The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide, "[f]ailure of counsel or of a party to comply with ... any order of the Court may be grounds for the imposition by the Court of any and all sanctions ... within the inherent power of the Court." Local Rule 110. "District courts have inherent power to control their dockets" and, in exercising that power, may impose sanctions, including dismissal of an action. *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party's failure to prosecute an action, obey a court order, or comply with local rules. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with a

1 court order to amend a complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir.
2 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421,
3 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

4 Accordingly, the Court ORDERS Plaintiff to show cause in writing, **within 21 days** of the
5 date of service of this order, why this action should not be dismissed. Alternatively, within that
6 same time, Plaintiff may submit an application to proceed *in forma pauperis*, completed and
7 signed, or he may pay the \$400 filing fee for this action. **Failure to comply with this order will**
8 **result in a recommendation that this action be dismissed.**

9
10 IT IS SO ORDERED.

11 Dated: **December 4, 2020**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE